IN RE: PETITION FOR ZONING VARIANCE * N/S Old Westminster Pike,

1,000 ft. (+/-) NW Route 795 * ZONING COMMISSIONER 300 Old Westminster Pike OF BALTIMORE COUNTY 4th Election District 3rd Councilmanic District * Case Nos. 93-418-A

Northwest Baptist Church Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * *

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 300 Old Westminster Pike, in the Reisterstown section of Baltimore County. The Petition is filed by the property owner, namely, The Board of Trustees of the Northwest Baptist Church. Relief is sought from the strict application of Section 413.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a one sided sign with a total square footage of 51.6 sq. ft., in lieu of the permitted 30 sq. ft.; and from Section 1A04.3.B.3 to permit setbacks of 35 ft. and 40 ft. from a lot line, in lieu of the required 50 ft. The relief requested is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing for this case was James K. Tracey, a professional engineer who prepared the site plan marked as Petitioner's Exhibit No. 1. Also appearing on behalf of the Petition was Reverend W. Grant Lauterbach and Reverend Gary Glanville, Pastors of the subject Church. The Petitioner was represented by Charles E. Yankovich, Esquire. There were no Protestants present.

Testimony and evidence offered was that the subject property is approximately 8.37 acres in area and is zoned R.C.5. This property has been under the ownership of the Petitioner for some time and is presently im-

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

July 6, 1993

(410) 887-4386

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Charles E. Yankovich, Esquire

RE: Case No. 93-418-A

Petition for Variance

contact our Appeals Clerk at 887-3391.

cc: Reverend W. Grant Lauterbach

Reverend Gary Glanville

cc: Mr. James K. Tracy

Property: 300 Old Westminster Pike

Board of Trustees - Northwest Baptist Church

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (30) days of the

additional information concerning filing an appeal, please feel free to

In the event the decision rendered is unfavorable to any party, please

Lawrence E. Schmidt Zoning Commissioner

case. The Petition for Zoning Variance has been granted, in accordance

date of the Order to the County Board of Appeals. If you require

212 W. Pennsylvania Avenue

Towson, Maryland 21204

Dear Mr. Yankovich:

with the attached Order.

proved with an existing two level brick church. An addition is proposed to build a new sanctuary. The addition will be approximately 8900 sq. ft. This will provide space for a new sanctuary, in that the existing sanctuary will be converted for classrooms, office and storage space. Further, the membership of this Church numbers approximately 900. There are approximately 325 active members who are regular attendees of Sunday services.

The Petitioner noted that the setbacks are necessary both to legitimize the location of the existing building, as well as the proposed location of the addition. As the site plans shows, the side wall of the addition will be located 40 ft. from the property line. Further, the side wall of the existing building is 35 ft. from the property line. The location of the property inaccurately reflects the actual border of the use of the property. That is, the Petitioner has acquired a perpetual easement from the adjoining property owner (Baltimore Gas and Electric Company) and have extended the parking lot which serves the Church across the property Thus, the setbacks measure a distance from the side of the Church to an area on the macadam portion containing the parking lot.

As to the sign, the Petitioner notes that presently a sign exists which does not fully comply with the zoning regulations. This one-sided sign is 51.6 sq. ft. in area, larger than the permitted dimension of 30 ft. The Petitioner testified that this sign is necessary because of the peculiar location of the Church and the surrounding road network. That is, the Church is located approximately 1,000 ft. from the Northwest Expressway (I-795) across from the Tom Mitchell Golf facility. Vehicular access to the site is by way of Old Westminster Pike and can be difficult unless a visitor is familiar with the area. Thus, the sign serves as a valuable tool to provide direction to visitors to the Church, as well as advising of the Church's ongoing activities.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and its property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to

permit setbacks of 35 ft. and 40 ft. from a lot line, in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted here-

B.C.Z.R.

requested should be granted.

30 sq. ft., be and is hereby GRANTED; and,

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

the public health, safety and general welfare. Further, granting of the

variances will be in strict harmony with the spirit and intent of the

hearing on this Petition held, and for the reasons given above, the relief

County this 8 day of July, 1993 that a variance from Section 413.1.B

of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a one-sided

sign with a total square footage of 51.6 sq. ft., in lieu of the permitted

IT IS FURTHER ORDERED that a variance from Section 1A04.3.B.3 to

Pursuant to the advertisement, posting of the property, and public

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

Zoning Commissioner for Baltimore County

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 300 CW WESTMINSTER PIKE

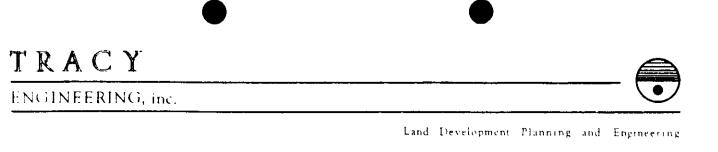
which is presently sensed RC-5/RC-4 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(a)
4/3.1.B, BCZR, To FERMIT A ONE SIDED SIGN WITH A TOTAL SQUARE FOOTAGE OF 51.6 S.F. IN LIEU OF THE FERMITTED 30 S.F.; AND FROM SECTION 1A04.3, B.3, TO PERMIT SETBACKS OF 35' AND 40' FROM A LOT LIKE IN LIEU OF THE REGULTED 50'. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	VMe do solemnly declare and affirm, under the panelties of perjury, that time are the legal owner(s) of the property which is the subject of time Petition.	
Contract Purchaser/Lasses:	Board of Trustees President (NATH WOOT BAPTY Rev. Gary C. Glanville CAUREH)	
(Type or Print Name)	(Type or Print Name)	
Sharen	Med. Gry C. Blandle	
Signature	Signature	
Address	(Type or Print Name)	
Cny State Zipcode	Signature	
Attorney for Politicarer:	410 833.722a	
CHARLES E. YANKOUICH	SOO OLD WESTMINSTER AKE	
11.00	Phone No	
CHON CON	REISTERSTOWN MD 21136	
337-5586	State Zipcode Name, Address and phone number of representative to be contacted.	
22 W. PENSIN AVE SUITE 202	JAMES TRACY	
Towsou MD 21204	PO. Box 26251 410-243-8320	

P.D. Box 21,251 Address BALTO MW 21210
OFFICE USE ONLY REVIEWED BY: JCM DATE 5-24-9



DESCRIPTION

PROPERTY OF NORTHWEST BAPTIST CHURCH

Beginning for the same at a point on the northerlymost right-of-way line of Old Westminster Pike at a distance of approximately 1000 feet northwest of the intersection of Maryland Route 795 thence, binding on said right-of-way line and running along the outlines of the property of The Northwest Baptist Church the following bearing and distance:

(1) N 56 17' 39" W, 165.42 feet, thence leaving said rightof-way line and continuing along the outlines of said property the following five (5) bearings and distances:

(2) N 34 44' 29" E, 1029.39 feet

(3) S 35 11' 36" E, 88.02 feet, (4) S 80 42' 28" E, 346.34 feet,

(5) S 19 10' 14" E. 259.45 feet.

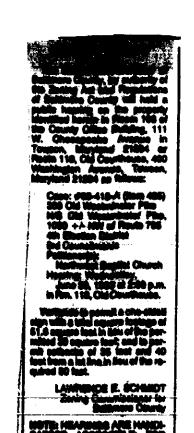
(6) S 53 15' 03" W, 943.93 feet to a point on the northerlymost right-of-way line of Old Westminster Pike, said point being the point of beginning.

Containing 355,830.176 square feet or 8.1687 acres of land, more or less.



P.O. Box 26251 • Baltimore, Maryland 21210 • (410) 243-8320

	• • •
District Att	Date of Posting 6/4/93
- Wantle what Road	test church
Location of property: 300 (N/s) 018	Wastaniais tox P.Ko, 1000+NW/ Rt. 795
Location of Signer Facing You dway	, Dr. poporly to 6- 2011.11
Remarks:	
Posted by MI Filesty	Date of return: 6 1.0/93
Number of Signe: /	/



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on ________

425

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Petitioner: NORTHWEST BAPTIST Church: GARY GLANVILLE Location: 300 OLO WESTMINSTED PIKE

PLEASE FORWARD ADVERTISING BILL TO:

PHONE NUMBER: 243-8320

(Revised 04/09/93)

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Haryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-418-A (Item 425) 300 Old Westmoister Pike N/S Old Westminster Pike, 1000 +/- NW of Route 795 4th Election District - 3rd Councilmanic Petitioner(s): Northwest Baptist Church HEARING: WEDNESDAY, JUNE 23, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a one-sided sign with a total square footage of 51.6 square feet in lieu of the permitted 30 square feet; and to permit setbacks of 35 feet and 40 feet from a lot line in lieu of the required 50 feet.

cc: Rev. Gary C. Glanville/Northwest Baptist Church Charles E. Yankovich, Esq. James Tracy

MOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printle 1 on Recorded Paper

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

June 14, 1993

Charles E. Yankovich, Esquire 22 W. Pennsylvania Avenue Towson, MD 21204

> RE: Case No. 93-418-A, Item No. 425 Petitioner: Northwest Baptist Church Petition for Variance

Dear Mr. Yankovich:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 24, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



O. James Lighthizer Secretary Hal Kassoff Administrator

6-3-93

Baltimore County
Item No.: + 425 (JCM)

Ms. Helene Kehring Zoning Administration and Development Management County Office Building

Dear Ms. Kehring:

111 W. Chesapeake Avenue

Towson, Maryland 21204

Room 109

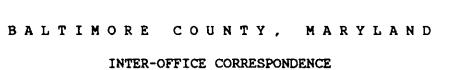
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief Engineering Access Permits

My telephone number is _____ Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toil Free 707 North Calvert St., Baltimore, Maryland 21203-0717



DATE: June 11, 1993

Arnold Jablon, Director Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item No. 425.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

425.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

June 10, 1993

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #425, Northwest Baptist Church 300 Old Westminster Pike Zoning Advisory Committee Meeting of June 7, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item. Development of the property must comply with the Regulations for the

This site must comply with the Forest Conservation Act, which requires a Forest Stand Delineation, a Forest Conservation Plan and a completed Forest Conservation Worksheet.

Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp

NORTHBC/TXTSBP

5285-93

UIC

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

TO: Zoning Advisory Committee

DATE: June 7, 1993

Captain Jerry Pfeifer SUBJECT: June 14, 1993 Meeting

No Comments

Building shall comply with the 1991 Life Safety Code

No Comments

Building shall comply with the 1991 Life Safety Code

No Comments

No Comments

ZADM

TRACY

ENGINEERING, inc.

Land Development Planning and Engineering

May 24, 1993

Baltimore County Office of Planning and Zoning 401 Bosley Avenue Towson, Maryland 21204

Attn: Mr. Arnold Jablon. Director

Re: Northwest Baptist Church 300 Old Westminster Pike District 4c3 Project No. IV-445 (92316Z) Setback Variance Request

Dear Mr. Jablon:

On behalf of The Northwest Baptist Church, we hereby request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations regarding the 50 feet setback from any lot line. The southeast corner of the existing church building extends into the minimum setback line along the eastern lot line. The adjoining property is owned by and contains the transmission towers of The Baltimore Gas and Electric Company. The proposed expansion of the church building will also extend into the setback line at two additional locations along the said lot line as shown on the attached plan. It should be noted that, in January 1983. BG & Egranted the church a perpetual easement on the adjacent property for ingress, egress and parking. Due to the use and ownership of the adjacent property to the east, we suggest that, in this circumstance, strict compliance with the Baltimore County Zoning Regulations regarding lot line setback, would result in a practical difficulty and an unreasonable hardship for the church.

Thank you for considering this variance request. If, during your review, you require additional information or have any questions, please do not hesitate to contact us.

Very Truly Yours.

Samuel Long

James K. Tracy. P.E.

425

attachments

P.O. Box 26251 · Baltimore, Maryland 21210 · (410) 243-8320

TRACY

ENGINEERING, inc.

Land Development Planning and Engineering

May 24, 1993

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson. Maryland 21204

Attn: Mr. Arnold Jablon. Director

Re: Northwest Baptist Church
300 Old Westminster Pike

Re: Northwest Baptist Church
300 Old Westminster Pike
District 4c3
Project No. IV-445 (92316Z)
Sign Variance Request

Dear Mr. Jablon:

On behalf of The Northwest Baptist Church, we hereby request a variance from Section 413--SIGNS (413.1.b.) of the Baltimore County Zoning Regulations regarding the area of existing sign located on the referenced site. The area of the existing sign, measured from the outside edges, is 51.6 square feet. The illumination is enclosed. Attached is a copy of the Development Plan showing a detail of the existing sign and its location on the church site, adjacent to the entrance drive at the terminus of Old Westminster Pike. The existing sign does not create an adverse impact upon traffic nor adjacent properties. We suggest that demolition of the existing sign, in order to meet strict compliance with the Baltimore County Zoning Regulations, would result in a practical difficulty and an unreasonable hardship for the church.

Thank you for considering this variance request. If, during your review, you require additional information or have any questions, please do not hesitate to contact us.

Very Truly Yours.

James K. Tracy, P.E.

425

P.O. Box 26251 • Baltimore, Maryland 21210 • (410) 243-8320

LEASE PRINT CLEARLY PETITIONER(S)	EASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET	
CHARLES E. YANKOVICH Rev. W. Grant Lauterbach Rev. Many Mennille James K. Tracy	ADDRESS 22 W. PENNSYLVANIA AVE # 202 TOWSON MD 21204 300 Wostminster Rd. Reisterstrun MD 2131 P.O. Bax 26251 Batte, Md 21210	

